

Appl. No. : **09/928,977**
Filed : **August 13, 2001**

REMARKS

This Amendment is responsive to the Office Action issued on February 8, 2007. Applicants' representative would like to initially thank Examiner Graham for the courtesy he extended during the telephone interview conducted on May 22, 2007.

By the foregoing amendments, Applicants have amended the claims along the lines discussed during the interview. The amended claims are supported by the originally filed specification. No new matter has been added.

Claims 9-14 and 41-64 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Herzberg (U.S. Patent 7,124,115). For the reasons discussed below, Applicants respectfully submit that the rejection is improper.

Independent Claim 9

The rejection of Claim 9 is improper because, among other reasons, Herzberg does not disclose, in the context of the other limitations of the claim, "a content provider site that is external to the service provider site, the content provider site comprising a content page, and including an additional page that includes a selectable link to the content page, said link including a reference to the service provider site to allow the service provider site to collect payments." In contrast, Herzberg discloses a system in which the content being paid for, and the link to that content, are on separate sites. Specifically, the content is provided on a merchant site, and the link (advertisement) for accessing that content is provided on an advertiser site. See, e.g., column 3, lines 13-30.

The rejection of Claim 9 is also improper for the independent reason that Herzberg does not disclose a system that uses the following process to charge for and provide access to the content: "wherein selection of the link by a visitor who is registered with the service provider site causes a browser of said visitor to send a message directly to the service provider site, the service provider site being responsive to the message from the browser by charging the visitor a fee for accessing the content page, and by immediately redirecting the browser to the content page." In this regard, neither the billing server in Herzberg nor any other component redirects the user's browser to a content page. In addition, the billing server in Herzberg does not charge the user in response to receiving a message from the browser, but rather charges the user in response to receiving a purchase order from the merchant.

Appl. No. : **09/928,977**
Filed : **August 13, 2001**

Indeed, Herzberg uses a process that is significantly more complex for content providers to implement. Specifically, the content provider (merchant) must run special software that is capable of receiving and processing signed purchase orders. See Herzberg at column 7, lines 34-50. Such a process is commonly impractical for relatively small content providers and site owners wishing to charge users for content. In addition, Herzberg's process apparently requires the end users to install and run special wallet plug-in software on their computers. See Herzberg at, e.g., column 6, lines 10-13, and the associated description of the IBM Micro Payment system at column 1, line 46 to column 2, line 3. This feature would likely detract many potential users from using the system.

The process described in Claim 9 does not suffer from these limitations, and is therefore much more practical for relatively small content providers, including but not limited to individuals and small businesses. For instance, the process described in Claim 9 can be implemented using a content provider site that merely serves static web pages, and which is incapable of performing more advanced operations such as processing orders, storing user data, authenticating users, setting browser cookies, etc.

For at least these reasons, the rejection of Claim 9 is improper and should be withdrawn.

Independent Claim 41

The anticipation rejection of Claim 41 is improper because, among other reasons, Herzberg does not disclose "hosting the work on a content provider site in association with a link to a payment service provider site" in the context of the other limitations of the claim. In this regard, the merchant site in Herzberg does not include a link to a payment service provider site as claimed.

The rejection of Claim 41 is also improper for the independent reason that Herzberg does not disclose a "service provider site" that responds to user selection of the link by "redirecting a browser of the user to a destination location on the content provider site." As discussed above, Herzberg's billing server does not perform any such task.

The rejection of Claim 41 is also improper for the independent reason that Herzberg does not disclose a process in which a string generated on a payment server site is (1) passed via the browser to the content provider site with a destination URL, and (2) used on the content provider

Appl. No. : **09/928,977**
Filed : **August 13, 2001**

site to determine whether the user is authorized to access the work. Herzberg does not use this or a remotely similar process to control access to content, but rather uses signed purchase orders.

For at least these reasons, the anticipation rejection of Claim 41 is improper.

Independent Claim 45

The anticipation rejection of Claim 45 is improper because, among other reasons, Herzberg does not disclose a server system that is “responsive to selection by a registered user of the payment link on said web site by charging the registered user a fee for accessing the content and redirecting a web browser of the registered user to the content” in the context of the other limitations of the claim. As discussed above, the billing server in Herzberg does not redirect the user’s browser to the content. Rather, the task of controlling access to the content in Herzberg is performed by the merchant web site, which needs to run special software for processing signed purchase orders.

The rejection of Claim 45 is also improper for the independent reason that Herzberg does not disclose a “payment link [that] points to the server system such that selection of the payment link by a user causes a browser of the user to send a request message to the server system.” The advertisements disclosed in Herzberg to not satisfy this description.

Independent Claim 57

The anticipation rejection of Claim 57 is improper at least because Herzberg does not disclose “detecting selection of said link by a user, and in response to said selection: (a) charging the user a fee associated with accessing the content, and (b) redirecting a web browser of the user to a web page that includes or provides access to the content” in the context of the other limitations of the claim. Neither the billing server nor any other component in Herzberg redirects the user’s browser to a web page that includes or provides access to the paid-for content. Instead, the merchant site uses special software to verify a signed purchase order, and then provides the content to the user.

Indeed, the method described in Claim 57 is much more suitable for use by small web site operators that lack the resources to maintain user accounts, set up order or payment processing software, etc. For example, the “first web site” and “second web site” recited in the claim can be implemented using servers that merely serve static HTML documents. This would not be possible with Herzberg.

Appl. No. : **09/928,977**
Filed : **August 13, 2001**

For at least these reasons, the anticipation rejection of independent Claim 57 is improper.

Dependent Claims

The dependent claims, including those added by this Amendment, recite numerous additional distinctions over Herzberg. For example, Claim 12 states that the service provider site “causes the content page to be displayed together with a control for allowing the visitor to negate payment of the fee.” (A preferred embodiment of this feature is depicted in Figure 25.) Herzberg does not disclose or suggest this feature.

As another example, Claim 13 states that the service provider site “includes a link creation tool which creates coding for embedding single-action payment links within external web pages.” Herzberg does not disclose such as link creation tool.

As yet another example, new Claim 65 states that the system “charges the visitor the fee, and controls the visitor’s access to the content page, without the use of any order or payment processing software on the content provider site.” As discussed above, this would not be possible in Herzberg.

As yet another example, new Claim 65 states that the service provider site “implements a service that enables visitors to post comments about the content page, and to view comments posted by other visitors, while viewing the content page, said comments stored and served by the service provider site.” (A preferred embodiment of this feature is depicted in Figure 24.) Herzberg does not provide such a feature.

Conclusion

In view of the foregoing, Applicants submit that all of the pending claims are patentably distinct from Herzberg.

By focusing on specific claims and claim limitations in the discussion above, Applicants do not imply that other claim limitations are disclosed or suggested by the references. In addition, Applicants reserve the right to disqualify Herzberg as prior art.

If any issues remain which can potentially be resolved by telephone, the Examiner is invited to call the undersigned attorney of record at this direct dial number 949.721.2950.

Appl. No. : 09/928,977
Filed : August 13, 2001

Please charge any additional fees, including any additional fees for extension of time, or credit overpayment, to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: June 8, 2007

By: /RJS38297/

Ronald J. Schoenbaum
Registration No. 38,297
Attorney of Record
Customer No. 20,995
(949) 721-2950

3418333/dns
021307